The Chicago Center
Digest
Mishna Berura
THE DAILY RESOURCE FOR MISHNA BERURA YOMI
Wed, May 3 2023 ■ י"ב אייר תשפ"ג
סימן רס"ו סעיף א'

Overview

Siman 266 Seif 1:

If one was travelling and Shabbos is about to begin and he has money as well as a donkey and a gentile travelling with him, he should not place his money on the donkey since he is commanded to assure that it rest on Shabbos. Instead the money should be given to the gentile to transport it for him. After Shabbos he may take it from him even though he did not pay him for this job and even though he gave it to him on Shabbos, it is permitted. If one found a lost object one may not give it to the gentile to transport unless he took possession of it before Shabbos since it is then considered his item.

- It is possible that the same applies if one leased a donkey from a gentile since it is his for the period of the lease. If one hired the gentile one is not considered the owner of the donkey that he uses and it is obvious that one should place all of his items on the donkey but he must be careful not to lead the animal with his voice since that violates the prohibition of מחמרeven to an animal that one does not own. (M.B. 1)
- Even though the gentile is acting as his agent Chazal permitted it since they understood that people panic when a financial loss is involved and if they did not permit this he may violate the more severe prohibition of transporting it four amos in the public domain. (M.B. 2)
- If one has a heavy package and the standard procedures are not practical one should convey ownership of the donkey to the gentile before Shabbos and of one is not an expert in the halachos of conveying ownership one should preferably declare the donkey ownerless in the presence of three people or at least to himself. He must descend from the wagon and be cautious not to guide the animal even after following the above procedures. He must also avoid giving the gentile or placing on the wagon any items he removed before Shabbos and they must remain in his possession until after Shabbos. (M.B. 3)
- Elya Rabba explains that the wording ואפילו emphasizes that if it is before Shabbos it is preferable to pay the gentile for this service. (M.B. 3)
- L'chatchila it should be given to the gentile before Shabbos to avoid handling muktzah on Shabbos. (M.B. 4)

Halacha Highlight

Discovering something in one's pocket on Shabbos

Shulchan Aruch Siman 266 Seif 1
מי שהיה בא בדרך
Someone who was travelling

Shulchan Aruch addresses a circumstance in which one was travelling and Shabbos is about to begin and one is not in a place in which he could safely store the various items that he is transporting. In the upcoming seifim Shulchan Aruch elaborates on the different options and how to prioritize between those different options. Poskim note that the same principles should be followed in the event that one realizes on Shabbos that he walked from a private domain to a public domain with something in his hands or his pockets. The procedure to follow in such a circumstance is as follows.

If the object is one that he could discard without suffering a financial loss he should immediately discard it in an unusual manner - שינוי. Placing the object down in the normal manner would constitute a "placement" which will combine with the "uprooting" and constitute a violation of the prohibition of transporting – הוצאה. If discarding the object will cause a financial loss, one should, when possible, give it to a gentile, a deaf-mute, an insane person or a child. When exercising this option one must hand it to them while they are moving so that they do not "uproot" the object. Additionally, the person who discovers the object in his pocket must also keep moving once he realizes that he is carrying the object since if he were to stop the object would come to rest – הנחה—and constitute a violation of the prohibition of transporting the object. If these options are not feasible he should discard the object in an unusual manner and then pick it up and walk in increments less than four amos at a time. Preferably while transporting the object he should transport it in some unusual manner – שינוי. If for some reason it is not possible to walk in increments of less than four amos one should run with the object until he reaches a protected area and then discard the object inside in an unusual manner (פסקי תשובות אות ב').

- Since he did not exert himself for it, it is of less concern to him and he won't be tempted to transport it four amos in the public domain. (M.B. 5)